

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3725 of 1985

Date of decision: 1-8-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

M/S. VENILAL MAGANLAL

Versus

MAKANBHAI SOMABHAI PATEL

Appearance:

Mr. S. D. Dave for Petitioners

None present for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/08/97

ORAL JUDGEMENT

Challenge is made by the petitioners to the order

dated 14th March, 1985 of the Competent Authority (2nd Labour Court at Surat) under the Minimum Wages Act, passed in Minimum Wages Application No.39 of 1981 filed by the respondent. The application filed by the respondent was partly allowed under the impugned order and the petitioners have been directed to pay to the respondent Rs.264.60 ps. towards special allowance and one time of the said amount, i.e. Rs.264.60 ps. towards compensation. The counsel for the petitioner urged that looking to the quantum of the amount ordered by the competent authority to be paid by the petitioners to the respondent which was not stayed by this court in these proceedings the possibility that the amount would have been paid by now by the petitioners to the respondents cannot be ruled out. It is further urged that looking to the size of the amount he does not consider it to be a proper case where the court's valuable time should be consumed in such a matter. However, the counsel for the petitioner submits that the decision given by the competent authority in this case may not be taken to be confirmed on merits by this court so that it may come in the way of the petitioner in other identical proceedings. The learned counsel for the petitioner submits that if that is made clear then he does not press this special civil application.

2. I do appreciate the fairness as well as the care which has been taken by the counsel for the petitioner for saving the court's valuable time in such a matter so that it may be utilised for some other fruitful purpose. This special civil application is dismissed as not pressed. Rule discharged. However, it is made clear that dismissal of this special civil application may not be taken as if the impugned order has been confirmed by this court on merits. No order as to costs.

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